

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**DWAINE GOVAN,
ANTHONY RICHARDSON, JR.,
ANTHONY RICHARDSON, SR.,**

Plaintiffs,

v.

**CITY OF MCINTYRE,
DEPUTY ZIM STEELE, in his
individual capacity, DEPUTY KYLE
MCDADE, in his individual capacity,**

Defendants.

**CIVIL ACTION FILE
NO. 5:16-CV-00503-CAR**

PROPOSED SCHEDULING AND DISCOVERY ORDER

The parties held a Rule 26(f) conference on January 10, 2017. In accordance with the Court's Rules 16 and 26 Order dated January 6, 2017, the parties to this action conferred and jointly developed this Proposed Scheduling and Discovery Order (the "Proposed Order") containing deadlines and limitations as follows:

I. Nature of the case:

This is an action for damages brought by Plaintiffs pursuant to 42 U.S.C. § 1983 and the Fourth Amendment for unlawful search and seizure and false arrest, state law claims under §§ 51-7-20, 51-1-13, and 51-1-14, and claims for punitive damages and attorney's fees under state law. Defendants assert all applicable immunities and deny any constitutional or state law violation occurred.

II. Counsel of Record:

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III. Complaint and Answer filing dates:

Complaint was filed:	November 18, 2016
Answer was filed on behalf of City Defendants:	December 28, 2016
Answer was filed on behalf of Deputy McDade:	December 29, 2016

IV. Discovery Deadline

A. Time for Discovery

The time for discovery in this case shall expire July 12, 2017, that being no more than 180 days after the submission of the Proposed Order to the Court.

If a party believes that more time for discovery is needed, an appropriate motion, accompanied by a proposed order for the Court, may be filed setting forth good cause for an extension.

B. Scope of Discovery

Discovery is necessary related to both liability and damages. No phases or specific limitations are necessary.

C. Electronically Stored Information

The parties mutually agreed that emails (to the extent that relevant/discoverable emails exist) will be produced in .PST format if possible, and if not, in another mutually agreeable format. Other documents will be produced in documents produced electronically shall be produced initially in native or searchable Portable Document Format (PDF) if possible, and if not, in another mutually agreeable format. The parties do not propose any additional limitations that need to be addressed at this time. As discovery progresses, counsel will confer

on a case-by-case basis if either party believes there is a need for production via a different method.

D. Privilege Claims

The parties do not foresee any issues related to claims of privilege or protection at this time but request the right to pursue relief under Subsection (G) of this Order should any issue arise that cannot be resolved without the intervention of the Court.

E. Witnesses to be Deposed

- a. Plaintiff Dwaine Govan, to be contacted through undersigned Plaintiffs' counsel;**
- b. Plaintiff Anthony Richardson, Jr., to be contacted through undersigned Plaintiffs' counsel;**
- c. Plaintiff Anthony Richardson, Sr., to be contacted through undersigned Plaintiffs' counsel;**
- d. Defendant Zim Steele, to be contacted through his undersigned counsel;**
- e. Defendant Kyle McDade, to be contacted through his undersigned counsel, and;**
- f. Other witnesses which may be made known as discovery progresses.**

F. Expert Witnesses

1. Designation of Experts

Plaintiffs must disclose the identity of any expert witness on or before April 13, 2017, that being no more than 90 days after the submission of the

Proposed Order to the Court.

Defendants must disclose the identity of any expert witness on or before May 12, 2017, that being no more than 120 days after the submission of the Proposed Order to the Court.

Any rebuttal must be submitted within 30 days after the other party's disclosure. See Fed.R.Civ.P. 26(a)(2)(D)(ii).

2. Expert Reports

Expert reports shall comply with Federal Rule of Civil Procedure 26(a)(2)(B). Any supplemental expert reports must be served on or before June 22, 2017, that being no more than 160 days after the submission of the Proposed Order to the Court. No additional supplemental reports may be disclosed or provided after this date without leave of Court.

G. Discovery Limitations or Need for Protective Order

The parties agree that requests for admission that are propounded solely to authenticate documents as provided for under Federal Rule of Civil Procedure 36(a)(1)(B) are excluded from Local Rule 36's limitation on the number of requests to admit that can be propounded.

H. Discovery Disputes

Before moving for an order relating to discovery, including motions to compel or contested motions for protective orders, the movant must contact Lee Anne Purvis, Courtroom Deputy (478.752.0739) to request a telephone conference with the Court.

V. Time for Filing Motions

A. Motions to Amend the Pleadings or Join Parties

All motions seeking to amend the pleadings or join parties must be filed no later than March 14, 2017, that being no more than 60 days after the entry of this Scheduling and Discovery Order.

B. Dispositive Motions

All dispositive motions must be filed no later than August 11, 2017, that being no more than 30 days after the expiration of discovery in this case.

C. Daubert Motions

All Daubert motions must be filed no later than August 11, 2017, that being no more than 30 days after the expiration of discovery in this case.

VI. Certification of the Parties and Counsel:

The Parties, by the signature of counsel below, certify they have conferred and discussed the nature and basis of their claims and defenses and the possibilities for prompt settlement or resolution of the case, pursuant to Local Rule 26(a).

Counsel further certify they have read the Court's Rules 16 and 26 Order. All counsel of record shall digitally sign below.

This 13th day of January, 2016.

{ Signatures on following page. }

FILIPOVITS LAW FIRM, P.C.

/s/ Jeffrey R. Filipovits

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/s/ Taylor W. Hensel

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Attorneys for Defendant McDade

The Court, having reviewed the information contained in the Proposed Scheduling and Discovery Order completed and filed jointly by the parties to this action, hereby **ADOPTS** the parties' plan and **MAKES IT THE ORDER OF THE COURT**.

SO ORDERED, this 13th day of January, 2017.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT